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CENTRAL FAX CENTERSerial No. 10/711,981 **BEST AVAILABLE COPY**

DEC 18 2006

**REMARKS.**

The submitted amendments to the claims are supported in the specification at [0029] describing Fig. 5, and as discussed during an examiner interview on December 18, 2006.

**I. Claims 1 and 3.**

(1) In the Final Office Action of July 26, 2006, the examiner rejected claims 1 and 3 under 35 USC 103(a) over Gandhi, US 2005/0120102A1, Sankaranarayan, US 6,799,208, and in view of Rolia, US 2005/0240668.

(2) The Applicant has amended each claim to distinguish over Rolia. Specifically, Rolia discloses minimizing the cost of a breach, but does not disclose making an exact calculation as claimed by applicant: "determining the minimum total rebate payable by the service provider for the breach." In addition, Rolia does not disclose the use of a target list of standard customers, nor does Rolia disclose that the decision to shift resources would be based upon all of the following: performance data, the target list and the status of the customers. Applicant submits that the amendments distinguish over Rolia.

**II. Claim 2.**

(1) In the Final Office Action of July 26, 2006, the examiner rejected claim 2 in view of Gandhi, US 2005/0120102A1, Rolia, US 2005/0240668 and Sankaranarayan, US 6,799,208.

(2) The Applicant submits that the amendments distinguish over Rolia for the same reasons stated above in regard to Claims 1 and 3.

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In light of the distinctions made in the claim amendments in response to the Final Office Action of July 26, 2006, the applicant submits that claims 1-3 are not obvious over Ghandi, in view of Sankaranarayan, and in further view of Rolia, and that the claims are in condition for allowance.

Respectfully submitted,



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